IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1665 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1674 OF 2005

Mr. Sanjay Sen ...Petitioner

Versus

M/s. Fiat India Ltd. & Ors. ...Respondents

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Mr. Prashant Chande with Ms. Dipti Das i/b M/s. Dunmor Sett, for Petitioner

Mr. S.R. Chitnis, Sr. counsel i/b M/s. Crowford Baylay & Co. for Respondent No.1.

Mr. D.P. Adsule, A.P.P. for State in W.P. No.1665/05 and Mr. M.S. Mhambray, A.P.P. for State in W.P. No. 1674/05.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the petitioner, the learned counsel for the respondent No.1 and the learned A.P.P. for the State.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No. 2533/SS/2005 (former number 115/S/2001) and Case No. 2534/SS/2005 (former number 116/S/2001) which are pending in the Court of learned Metropolitan Magistrate, 33rd Court at Ballard Estate, Mumbai. In the said case, process

has been issued against the petitioner under Section 138 and 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. The learned advocate for the petitioner states that the necessary revision would be preferred within a period of five weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of five weeks from today. The learned counsel for the respondent No.1 i.e. original complainant fairly states that no objection would be raised in respect of delay in filing revision by the petitioner before the learned Sessions Judge.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the

concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Writ Petitions are disposed of.

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